

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Delivered: **14/03/08**

IN THE CROWN COURT SITTING IN NORTHERN IRELAND

—————
THE QUEEN

-v-

AKEEM SHITTU
—————

TREACY J

Introduction

- [1] Akeem Shittu at an advanced stage of your trial you were re-arraigned and pleaded guilty to Counts 38 and 39 on the indictment. Counts 36 and 37 were left on the books not to be proceeded with without the leave of the Court or the Court of Appeal. You have therefore pleaded guilty to one Count of assisting unlawful immigration to a Member State, contrary to Section 25(1) of the Immigration Act 1971 (Count 38). The particulars of that offence are that on a date unknown between 16 June 2004 and 9 July 2004 in the County Court Division of Londonderry or elsewhere within the jurisdiction of the Crown Court, knowing or having reasonable cause for believing that Chen Liang was not a citizen of the European Union, you did an act which facilitated the commission of a breach of immigration law by the said Chen Liang, who was not a citizen of the European Union, namely you completed an application to the Home Office for a residence document in the name of the said Chen Liang, and that you knew or had reasonable cause to believe that the said act facilitated the commission of a breach of immigration law by the said Chen Liang.
- [2] You have also pleaded guilty to a further Count namely conspiracy to assist unlawful immigration to a Member State, contrary to Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 25(1) of the Immigration Act 1971 (Count 39). The particulars of

that offence are that you and two others on diverse dates between 1 June 2004 and 19 January 2005 in the County Court Division of Antrim or elsewhere within the jurisdiction of the Crown Court, knowing or having reasonable cause for believing that Bo Wang was not a citizen of the European Union, you conspired together to do an act which would facilitate the commission of a breach of immigration law by the said Bo Wang, an individual who was not a citizen of the European Union, namely to obtain from the Registrar of Births, Deaths and Marriages at the Registrar's Office, Coleraine a certificate of marriage between Sabrina Cole and the said Bo Wang, knowing or having reasonable cause for believing that the said act would facilitate the commission of a breach of immigration law by the said Bo Wang.

Background

- [3] Following a search of 126 Waterfoot Park, Derry on 25 May 2006 during which Mr Success and this defendant were both present a large amount of documentation was seized revealing a number of sham marriages and associated documentation. As far as count 38 is concerned, on 16 June 2004 Carol Muldoon and Chen Liang participated in a marriage ceremony. This was a sham marriage intended to facilitate the commission of a breach of immigration law by Chen Liang who was not a citizen of the European Union. Count 38 relates to an application for a Residency Permit and Part I of the relevant application had been completed by you. Count 39 relates to the obtaining of a certificate of marriage in respect of the sham marriage of Sabrina Cole and Bo Wang at Coleraine which I was told took place on 19 January 2005.
- [4] You are aged 31 and were born in Lagos in Nigeria. You came to Ireland in 1999 and following a relationship with a woman in Cork a daughter was born to yourselves on 19 December 1999. I am told that you have maintained regular contact with the child but of course I have no means of verifying this but I was informed that whilst in prison you spoke to your daughter on the phone every week. You are an illegal immigrant in the United Kingdom, specifically Northern Ireland. For the last five years you have initially been studying at the University of Ulster and then employed albeit under a false name – that of your co-defendant Alexander Success.
- [5] I take into account the fact that you have a good record. Your plea of guilty at this very late stage attracts very little discount. However the offences to which you have pleaded guilty are serious. They appear to have been part of a well organised conspiracy to subvert the immigration

laws of the United Kingdom. You had already subverted the immigration law by entering and remaining illegally here for the last five years and then to have the affront to take part in what was an organised subversion of immigration law, presumably for profit, merits only a substantial period of imprisonment. Prosecuting Counsel referred me to a number of cases, the net effect of which was, he said, that the appropriate sentencing range on a plea of guilty to offences of this nature and in this context was between 2½ to 4 years. The Defence did not challenge the stated range.

- [6] Given the lateness of the plea I consider that the appropriate sentence is one of 3½ years imprisonment.
- [7] I have also been requested by the Prosecution to exercise my discretion to recommend to the Secretary of State that the defendant should be deported. I was referred to paras.5-918 - 5-922 of the latest edition of Archbold and in particular to the cases of the *R v Ahmed* [2006] 1 Cr App R (S) and *R v Carmona* [2006] 2 Cr App R (S) from which it would appear that sentencing courts should consider only whether the offence committed by the offender justifies the conclusion that his continued presence in the country is to its detriment. I am satisfied in the light of the *Ahmed* that I should make the recommendation sought.
- [8] Having illegally entered and remained in the United Kingdom for five years you took part in offences which were intended to subvert the immigration laws of this country. Such conduct has the capacity to undermine public confidence in the immigration law of the country and your continued presence in this country is, in my view, a clear detriment. As the court said in *Ahmed* a decision refusing to make such a recommendation would send out the wrong signal. I wish to make it clear however that all that a Court does when it makes such a recommendation for deportation is to indicate to the Secretary of State that in the opinion of the Court it is to the detriment of this country that the defendant should remain here. The final decision of course rests with the Secretary of State.